

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

DANIEL KELLEY,

PLAINTIFF

v.

No. 3:14CV51-NBB-DAS

YALOBOSHA COUNTY MS SHERIFF'S DEPT.,

DEFENDANT(S)

**ORDER GRANTING PLAINTIFF'S MOTION TO PROCEED *IN FORMA PAUPERIS*
WITHOUT ASSESSING PAYMENT OF INITIAL FILING FEE**

The plaintiff, **Daniel Kelley** inmate number #62563, is a prisoner proceeding *pro se* seeking relief under 42 U.S.C. §1983. He has requested leave to proceed *in forma pauperis* under 28 U.S.C. § 1915 and submitted a completed authorization form and certificate of his inmate's trust account.

The plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. His inmate trust account shows that over the last six months, he has had an average monthly balance of \$0 and his monthly deposits have averaged \$0.

Under § 1915(b)(1) the plaintiff need not pay an initial partial filing fee because the funds to pay the fee do not exist. However, the plaintiff will be required to make monthly payments of 20 percent of the preceding month's income credited to his prisoner account until he has paid the total filing fee of \$350.00. 28 U.S.C. § 1915(b)(2). These payments will be collected by the **Accounting Office of the Mississippi Department of Corrections**, and forwarded to the court each time the account balance exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2). A copy of this order must be kept in the plaintiff's institutional file, and this obligation will be carried forward should the plaintiff be transferred to another jail or correctional facility.

IT IS HEREBY ORDERED that:

1. The plaintiff's request to proceed *in forma pauperis* is **GRANTED**.
2. Each time the plaintiff's account balance exceeds \$10.00, the **Accounting Office of the Mississippi Department of Corrections or any successive custodian** must collect from the plaintiff's prison trust account a monthly payment consisting of 20 percent of the preceding month's income credited to the plaintiff's prison account and forward the amount to the court, clearly identifying the payment by the style and number of this case, until the total filing fee of \$350.00 is paid in full, in an institutional check made payable to:

Clerk, U.S. District Court
911 Jackson Avenue, Room 369
Oxford, MS 38655-3622.

3. A copy of this order must be kept in the plaintiff's institutional file, and this obligation will be carried forward should the plaintiff be transferred to another jail or correctional facility.

4. The Clerk of the Court will serve a copy of this order on:

**MDOC - Inmate Banking Department,
P.O. Box 544
Jackson, MS 39205.**

THIS the 15th day of April, 2014.

/s/ DAVID A. SANDERS
UNITED STATES MAGISTRATE JUDGE